

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, JANUARY 26, 2009**

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	GEORGE FITZGERALD	CLERK
	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE
	KEN PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited

APPROVAL OF AGENDA

Mr. Fitzgerald indicated that there are no additions or deletions to tonight's agenda.

Motion by Mr. Reynolds, supported by Mr. Hornung, to approve the agenda as submitted. Roll Call: Ayes – Reynolds, Hornung, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

1. RECOGNITION OF PLATINUM PARTNER FOR “THE POLAR EXPRESS” – JIM RIEHL’S FRIENDLY AUTOMOTIVE GROUP

Mr. Sowerby complimented the Department of Parks & Recreation for doing such a great job with their programs, one of those being “The Polar Express”, and he added that a huge part of the success is because of what their sponsors do. He pointed out that Mr. Jim Riehl is a typical example of a dedicated American car dealer who has given his dollars back to the community to make it a better place. Mr. Sowerby felt that in these tough economic times, American automotive companies and their dealerships are in jeopardy, and if these companies fail, then all of these great programs that they often sponsor across the country will also fold. He stressed that United States citizens need to support this American industry, and he commended Mr. Riehl for giving back to his community in such a generous way.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated January 15, 2009 from the Assistant Director of Parks and Recreation, acknowledging and thanking Jim Riehl's Friendly Automotive Group as the Township's Platinum Partner for the annual holiday event, “The Polar Express”. Discussion ensued.

Mr. Reynolds stated that he and his family attended “The Polar Express” this year, and it is a wonderful event. He felt Clinton Township is one of the few communities that offers an event where the train actually moves.

Ms. Linda Walter, Director of Parks & Recreation, confirmed that “The Polar Express” in Clinton Township is one of the only events in the state of Michigan where the train moves.

Mr. Cannon indicated they are also working on being able to store the train in a more favorable location.

Mr. Pearl applauded the Department of Parks & Recreation, along with their sponsors, for making these events available to the residents. He stated he has been on the Parks & Recreation Committee for a number of years, and a lot of companies and individuals have given funds for a lot of programs. He added that the staff does a wonderful job putting the programs together in this tough economy.

Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

2. PRESENTATION OF 2009 VEGETATION MANAGEMENT PLAN – ITC TRANSMISSION

Mr. Gary Kirsh introduced himself as Area Manager for ITC Transmission, as well as the former Supervisor of Washington Township for twelve years. He explained that ITC is in the business of high energy voltage lines, and their company was created in 2003 after Detroit Edison sold their transmission through deregulation. He indicated they are known as the “energy superhighway”. According to federal regulations, they are not allowed to have any outages due to trees, and they can be fined up to a million dollars if this is violated. Mr. Kirsh recalled the large multi-state power outage that occurred in 2003, and explained that the cause was three separate incidents with trees. He informed that the vegetation does not have to actually touch the lines to create problems, and even arcing can cause a disruption of energy. Mr. Kirsh explained they are here tonight to present their 2009 program, which is done in two parts. The first phase is to remove all vertical-growing vegetation from under the high voltage lines, so the larger trees will be removed by ITC Transmission or their contractors. The second phase involves alerting residents of other trees that have not reached the detrimental stage yet but may become a threat in the months or years to come. This new policy will provide the residents an opportunity to remove their own trees.

Mr. Cannon inquired as to whether they will be advising the property owners if there are trees that will be removed from their property.

Ms. Patty Stefanoff, of Utility Lines Construction, explained that they are the contractor for ITC. She explained that she works directly with the foresters, and their forester has a

Master's Degree in Forestry. She explained the process of their planners coming through the neighborhoods and plan the lines. She assured they do not want to break the law, so they have studied their rights carefully, yet they are sensitive to the community because they are also homeowners. Ms. Stefanoff explained that the planners, when making their determination that trees must be removed at a specific address, leave a door tag which provides a lot of information to the owner and alerts them to what ITC plans to do on their property. The trees are marked, with an "X" signifying removal. They designate a "wire zone" as the space directly under the wires plus ten feet out on each side. The large trees in the wire zone will be marked with an "X", and the owners will be alerted that they have a certain amount of time to move the smaller trees if they wish. She added that occasionally, owners will prefer to transplant a smaller tree to a better location out of the wire zone, and they will have an opportunity to do so. Ms. Stefanoff stated that, some time after the notices are left, their crews will come out to remove the marked trees along with any of the small trees the homeowner has chosen not to move. She assured their crews are very good, or they would not be working for them. She added that their foresters are available to talk with the residents, and she stressed the purpose for this program is a safety issue, and the grid is in jeopardy if this requirement is not followed.

Mr. Kirsh replied to inquiry that gardens and other vegetation planted in rear yards is generally acceptable because it is generally low to the ground and will not interfere with the lines in any way; however, if it is in the easement, the homeowners must understand that if work needs to be done on the lines, the vegetation may be damaged.

Ms. Stefanoff replied to inquiry that all of their employees will be wearing identification badges.

Mr. Pearl felt that homeowners in the Township are used to DTE crews trimming trees near electric lines, but he inquired as to whether this program involves the high towers only.

Mr. Kirsh confirmed that this program involves the wire zone under the high voltage lines, mainly held up by the metal towers.

Mr. Pearl inquired as to how many miles of wire they have in the Township.

Mr. Kirsh replied that he is not sure, but estimated it to be approximately 15,000 feet. He added that they will not be in every neighborhood, but will be concentrated in the neighborhoods abutting the high-tension wires. He replied to inquiry that some of the easements were assumed back in the 1930's, and the difference between ITC and DTE is that DTE mainly trims the trees away from the wires, whereas ITC will be removing any trees in the wire zone. He replied to further inquiry that they have a map and can provide it to the Township. He replied to still further inquiry that the removal of trees will be at no cost to the homeowners, although if the homeowners choose to transplant a small tree out of the wire zone, the cost will be the burden of the homeowner.

Mr. Sowerby wanted to make sure that there is a clear understanding of which neighborhoods will be affected.

Mr. Kirsh replied that the lines do not run with the mile roads, but he can provide something to the Township as to the location of the lines.

Mr. Sowerby inquired as to how they will handle a situation where the lines are at a height of 50 feet and there is an ornamental tree that will only grow to a height of 20 feet. He inquired as to whether that tree will have to be removed.

Ms. Stefanoff replied that is why they have a Forester. She explained that if there is a tree that is 12 feet or higher in the wire zone, it is very likely that it will be removed. She added, however, that they may consider where that tree is located within the wire zone. If it is closer to the middle of two towers, it is more likely to be removed because that is where the “sag” of the wires would occur. She stressed they are also concerned about the safety of the tree contractor and they cannot go beyond minimum approach distances for their safety. She clarified that if there are ornamental trees near the towers that are only going to grow to a height of 8 feet, they are reasonable and may allow the tree to remain. She stressed that each situation is different and will be considered on an individual basis, but they must protect their reliability and that is why this program is in effect.

Mr. Sowerby inquired as to what the ITC is going to do to reforest or replace vegetation to ensure a nice environment.

Mr. Kirsh replied that they do not replace the trees or vegetation they remove but will maintain the wire zone by keeping it cut. He stated they removed the trees for a reason and it would not make sense to replace them with more trees. He added that they have partnered in different areas, such as Stony Creek Metro Park, to replace vegetation.

Mr. Sowerby was surprised that Mr. Kirsh is “working for a company that does not give back to the community”. He complimented Mr. Kirsh on his years of being a great township supervisor and added that he served Washington Township well. Mr. Sowerby urged Mr. Kirsh and Ms. Stefanoff to take the message back to ITC that they need to replace vegetation, if not within the wire zone, then in another location in the Township to make up for the vegetation they are removing.

Mr. Kirsh stressed that ITC works with communities but not in their corridors. He pointed out that they can maintain their easements easier with less vegetation.

Mr. Sowerby suspected that the Township’s Conservation Committee will have a lot of questions regarding this program, and he inquired as to whether Mr. Kirsh and Ms. Stefanoff would be willing to give their presentation to this committee.

Mr. Kirsh and Ms. Stefanoff both agreed to attend a Conservation Committee meeting to give their presentation and answer questions.

Mr. Westerman felt it will not be difficult to determine where the lines are in relation to neighborhoods and businesses; however, he indicated that “when” is going to be the problem. He claimed their office receives numerous calls when DTE trims trees, and he requested that ITC alert the Department of Public Works as to when and where they are working.

Mr. Kirsh replied to inquiry that three independent trees in Ohio that disrupted the entire grid caused the power outage of 2003. Since that time, NERC now requires all vegetation in the wire zone to be removed.

Ms. Stefanoff replied to inquiry that it has been their policy to leave the stumps in place.

Mr. Sowerby felt that is not acceptable.

Mr. Kirsh explained that when they bring in the machines to grind the stumps, they do more damage to the area, and neighbors complain about the pile of wood chips that are left behind. He added that they have had more residents who would prefer to have the stumps left in place.

Mr. Pearl felt it would be better to grind the stumps.

Ms. Stefanoff noted that they have had a lot of unhappy people when the stumps were ground, and they determined that was not working.

Mr. Dolan inquired as to the time frame between the date the notice is placed on the door and the date the tree removal will commence.

Ms. Stefanoff replied it is generally a two- to three-week period between the notification and the tree removal. She explained that if the crews cannot get to the removal within that time frame and it is going to be closer to four or five weeks, the neighbors will be re-notified.

Mr. Dolan inquired as to whether they provide advance notice as to how they intend to access the rear yards of the residents.

Ms. Stefanoff replied that when they intend to start work, they will be knocking on the residents’ doors to alert them.

Mr. Dolan inquired as to whether there is a way the residents can contact ITC to obtain a copy of documentation that explains their rights.

Mr. Kirsh replied that they have that documentation available, and the phone number is included on the door tag in the event residents want to obtain that information or have other questions.

Mr. Dolan inquired as to how the situation is handled if the base of the tree is clearly outside of the wire zone but some of the branches fall within the easement area. He inquired as to whether the branches only would be trimmed or whether they would remove the entire tree.

Mr. Kirsh replied that they do sometimes trim only if it is just the branches that fall within the easement because they cannot go beyond their easement rights.

Mr. Sowerby stated he has seen instances where a tree is trimmed; however, so much of the tree is trimmed that the aesthetics of the tree is gone. In some cases, he felt the homeowner would have rather had the tree removed. He inquired as to whether the homeowner, in a situation like this, would be able to have the option of having the tree removed at ITC's expense.

Ms. Stefanoff replied that would be a possibility, but each situation would have to be evaluated on a case-by-case basis.

Further discussion took place regarding the stumps being left.

Mr. Kirsh agreed to take the Board's objections regarding the stumps back to ITC, but he cautioned that it has been their experience in the past that more residents complain when the stumps are removed than when they are left in place.

Mr. Fitzgerald inquired as to whether the trees are hauled away or whether they are ground up on site.

Ms. Stefanoff replied that the branches are chipped on site. If the homeowner wants the wood, they will generally cut it in 18-inch lengths for them so they can use it for firewood. If they do not want the wood, it is hauled away.

Mr. Fitzgerald added that, from an environmental aspect, he would like to see a replacement for the trees that are removed, although he acknowledged it would have to be outside the easement.

Mr. Cannon thanked Mr. Kirsh and Ms. Stefanoff for making this presentation to the Board and the community.

Mr. Kirsh stated he is aware that the removal of trees can cause emotional distress for residents and that is why they are willing to come in and explain the program.

Mr. Cannon felt that once the work commences, it would be a good idea to have a contact number for ITC scrolling on Cable TV so residents can call them with concerns.

Mr. Pearl requested that ITC provide them with the grid so they can show residents who will be impacted. They could then have that information on Cable TV as well.

Mr. Kirsh replied that, while he has no problem revealing the grid to the Board members and departments involved, it is a matter of security and it has been their policy that they do not publish the location of the lines. He admitted that it is not difficult to determine based on the location of the high wires, but it is not something they put on paper for the general public.

Ms. Stefanoff explained that it is a Homeland Security issue.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the correspondence and presentation made by ITC Transmission with regard to their 2009 Vegetation Management plan. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

3. REQUEST EXTENSION OF TEMPORARY CONSTRUCTION TRAILER PERMIT – TALL OAKS CONDOMINIUMS

Mr. Carlo Santia, Director of the Department of Planning and Community Development, replied to inquiry that the additional trees along the east property line, as depicted on the approved site plan, need to be planted. He noted that he discussed this with Mr. Codron, who may have spoken to the developer.

Mr. John Codron, Superintendent of the Building Department, replied to inquiry that the contractor has been working with their department since the project began, and he is comfortable working with him.

Mr. Sowerby confirmed that there are no late tax bills or weed bills for this parcel.

Motion by Mr. Hornung, supported by Mr. Pearl, to receive and file the letter dated January 12, 2009 from the Managing Member of P & D Ventures LLC and grant permission for a ninety-day extension of the temporary Construction Trailer Permit for the Tall Oaks Condominium Project, as requested. Roll Call: Ayes – Hornung, Pearl, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

4. ADOPT RESOLUTION TO AMEND SCHEDULE OF FEES FOR THE BUILDING DEPARTMENT

Mr. Cannon explained that this Resolution will put the Building Department's fees in line with those of other local communities. He indicated that some of their fees were raised and some were lowered.

Motion by Mr. Cannon, supported by Mr. Sowerby, to adopt Resolution to Amend Schedule of Fees for the Building Department of the Charter Township of Clinton, as presented. Discussion ensued.

Mr. Codron explained that the change involves approximately 11% of their fees, with two-thirds of that 11% being increases and one-third being decreases. He noted that over the past four years, they have been experiencing some issues regarding their fee schedule and are attempting to adjust it to be in line with other communities. He pointed out that one of the reductions involved swimming pool inspections, and above-ground fixture costs were \$40, but that amount has been reduced to \$5.

Roll Call: Ayes – Cannon, Sowerby, Reynolds, Hornung, Pearl, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

5. RECOMMENDATION ON RATE INCREASE FOR HERITAGE ESTATES & AUTHORIZATION TO SECURE RFP'S

Mr. Cannon noted that the last increase was in June of 2003, and that was when the maintenance fee was raised.

Mr. Hornung inquired as to how many years it will take to repay the financing for the siding on all four buildings.

Ms. Donna Lauretti, Finance Director, replied that it will take approximately two to three years. She replied to inquiry that there are 312 units, but she does not know how many residents. She replied to still further inquiry that last year, there were an average of six vacant units every month.

Mr. Cannon clarified that prospective tenants have different criteria: some are looking for one-bedroom units, some for two-bedroom units, and some need a first-floor unit. If a vacancy arises, it does not always fit the requirements of the individuals on the waiting list.

Ms. Lauretti replied that the last time they raised the maintenance fees, they made it effective on June 1st, and everyone paid it.

Mr. Cannon noted that these are not government-subsidized units.

Mr. Pearl commented that renters typically have a one-year lease, then possibly on a month-to-month basis. He questioned whether there is a clause in their lease that allows for a rate increase with a 30-day notice.

Mr. Dolan replied that the lease document controls the agreement between the Township and the resident. Township Board action to raise rates will only be effective if it is consistent with the lease agreement. He stated he has not reviewed it, and although he would expect that there are no provisions that would preclude the Township from doing this, he recommended that any action taken tonight should be subject to his review.

Mr. Pearl suggested that possibly the Township should be looking at smaller, more frequent increases rather than large increases every few years.

Mr. Cannon stated the Township has done everything they can to keep the units very modernized and in good shape. He recalled there was a problem when the units were first built, but those issues were resolved.

Mr. Sowerby felt that Mr. Pearl raised some interesting questions, and he felt the Board should know the answers before acting on this tonight. He indicated they have an independent management company for the facility, but he suggested possibly postponing action on this tonight so they can get some answers. He added that he felt, even with the increase, it is still a bargain for those who choose to live there.

Discussion took place as to whether the Board can authorize the request for proposal for the siding project to be prepared and sent out.

Motion by Mr. Sowerby, supported by Mr. Hornung, to receive and file the letter dated January 19, 2009 from the Budget/Ways & Means Committee, and postpone further consideration of the proposed rate increases for Heritage Estates to the next Township Board meeting in order to get answers as to the terms of the lease and when the increase can be applied; further, to authorize the Department of Public Works to seek requests for proposal for the siding project, as proposed. Discussion ensued.

Mr. Roger Holtslander, 38015 St. Tropez, Clinton Township, Michigan 48038, calculated that if every dollar is used to repay the money borrowed from the Capital Improvement Fund, it will take four to four-and-a-half years to replace.

Mr. Cannon clarified that there are already some funds designated for this project.

Mr. Holtslander stated he would like to see the breakdown on how many one-bedroom and how many two-bedroom units. He noted that he resides in a trailer park and every January, the rates are increased. He felt Mr. Pearl's suggestion of smaller, more frequent increases is better and more manageable for the residents.

Mr. Fitzgerald calculated that the proposed increase is approximately 9.1%.

Roll Call: Ayes – Sowerby, Hornung, Reynolds, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

6. EMPLOYMENT CONTRACT & MEMORANDUM OF UNDERSTANDING WITH TOWNSHIP ASSESSOR – PAUL ROBINSON

Mr. Fitzgerald noted that the dates of employment are the only things changed, and everything else in the contract remains the same.

Motion by Mr. Reynolds, supported by Ms. West, to receive, file and concur with the letter dated January 13, 2009 from the Human Resources Director, and approve the Employment Contract with Paul Robinson, Township Assessor, and the Memorandum of Understanding with AFSCME Local 1917.29, as presented. Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

7. BUDGET AMENDMENT – BUILDING DEPARTMENT

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the letter dated January 9, 2009 from the Finance Director and approve a Budget Amendment for the Building Department to increase the overtime budget by \$1,010.00 for the fiscal year ending March 31, 2009, in order to comply with the resolution of a grievance filed by UAW Local 412. Roll Call: Ayes – Reynolds, Pearl, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

8. TREASURER'S REPORT

Mr. Fitzgerald commended Mr. Sowerby on being prudent and conservative in these tough economic times, and inquired as to what the projection for what the market is going to do in the next year.

Mr. Sowerby replied that he is not an economist so he would not be able to project. He explained that under Public Act 20, treasurers are limited to put the funds in the most conservative accounts, and as a result, they do not have as much leeway as the police and fire pension system. He informed that they have moved away from CD's, which were risky in this economy, because that was investing in the bank and the strength of that bank. The investments are now in money market funds and T-bills. Mr. Sowerby explained a new form of investing that is permitted under Public Act 20, where banks across the nation are putting their dollars and strengths together and investors can purchase "CDARs" for a set amount of time. It is protected by all of these banks and is actually run by an IT firm out of Minnesota. It is very new, having just been approved under Public Act 20 by the Governor in December 2008, although there were already 43 states allowing this. He acknowledged that it offers a slightly higher return but it is not a

huge amount, and he is not completely sold on it yet. Mr. Sowerby stressed he continues to remain cautious, and has invested in a few of the “handful” of banks that received federal bail-out dollars, including Chase, Fifth-Third and Comerica. He added that, now that the FDIC insurance has been raised from \$100,000 to \$250,000, he would like to invest up to \$250,000 in some of the smaller local banks. He hoped this will infuse some of the smaller banks that are having a difficult time. He stressed that investing is always about safety first and return on the dollars last, but it is also about a commitment to our community.

Mr. Cannon stressed that the smaller banks are still a good investment for residents who are investing less than \$250,000

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive and file the Treasurer’s Quarterly Investment Report dated January 15, 2009. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF JANUARY 12, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Fitzgerald, supported by Mr. Reynolds, to approve the minutes of the January 12, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Hornung, supported by Mr. Reynolds, to approve the bills as presented. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Reynolds, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried. The meeting adjourned at 7:59 p.m.

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON

Approved